



ATMS

Australian Traditional-
Medicine Society



White Paper 2

The National Code of Conduct for Unregistered Health Practitioners

*Commonly referred to as the
National Code of Conduct for Health Care Workers*

01.10.2025

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Executive Summary

The National Code of Conduct for Health Care Workers (the National Code) is a nationally consistent law that protects the public by setting minimum standards for unregistered health practitioners.

This includes most natural medicine professions, such as naturopathy, remedial massage therapy, homeopathy and nutritional medicine.



Annie Gibbins
Chief Executive Officer.

For AHPRA-registered practitioners (such as acupuncturists under the Chinese Medicine Board of Australia), the National Code does not apply. Instead, they are bound by the Health Practitioner Regulation National Law and AHPRA's codes and guidelines.

This paper explains how the National Code operates, how it is implemented across states and territories, how complaints are managed, and how it relates to the ATMS Members' Code of Conduct. It also clarifies the obligations of regulated practitioners and provides a compliance checklist for all members.



1. Introduction

The Australian healthcare system has two categories of regulation:

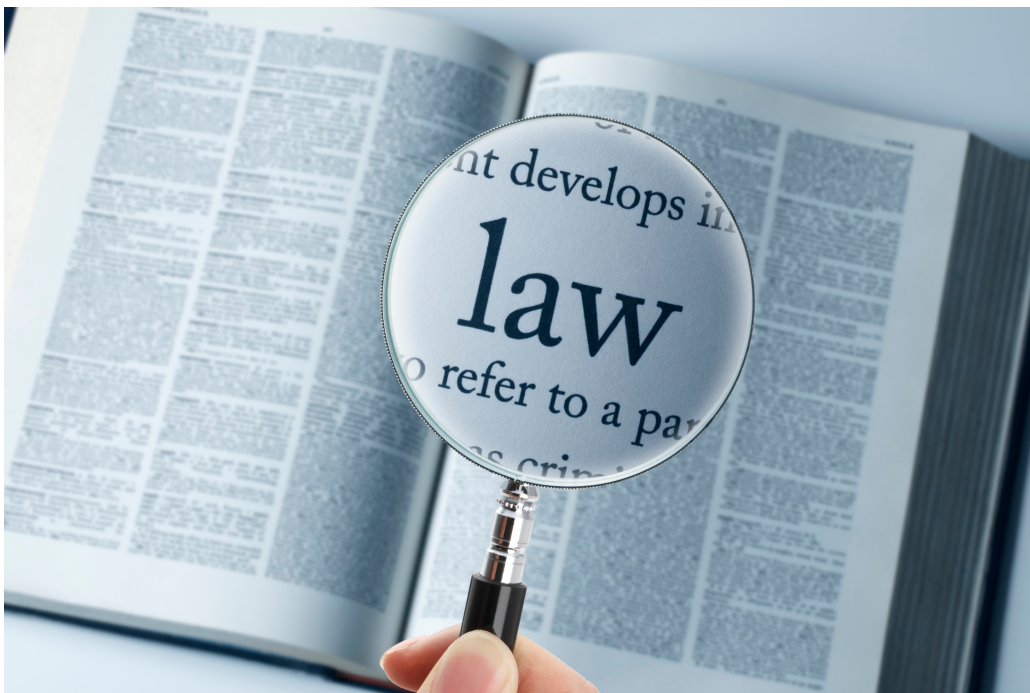
- Registered practitioners: Those regulated by the Australian Health Practitioner Regulation Agency (AHPRA) under the Health Practitioner Regulation National Law (e.g. acupuncturists).
- Unregistered practitioners: Those practising in self-regulated professions (e.g. naturopaths, massage therapists, nutritionists, homoeopaths).

Unregistered practitioners are regulated through the National Code of Conduct for Health Care Workers. The Code sets out the minimum standards of professional and ethical behaviour expected of practitioners and provides a framework for complaints, investigations, and prohibition orders where public safety is at risk.

All ATMS members, whether practising in regulated or unregulated professions, must also comply with the ATMS Members' Code of Conduct, which aligns with these standards and ensures consistency across our diverse membership.

2. Historical Background

- In 2011, the Australian Health Ministers' Advisory Council (AHMAC) recommended a single national code to address risks posed by unregistered practitioners.
- In 2015, the Council of Australian Governments (COAG) Health Council endorsed a nationally consistent model law to regulate unregistered health practitioners.
- This became the National Code of Conduct for Health Care Workers (the National Code).
- Each state and territory is responsible for implementing the Code through local health complaints bodies.





3. Key Features of the Code

3.1 Standards of Practice

The Code requires unregistered practitioners to:

- Provide services safely, competently, and ethically.
- Obtain informed consent before treatment.
- Maintain appropriate professional boundaries.
- Keep accurate clinical records.
- Hold suitable professional indemnity insurance.

3.2 Prohibited Conduct

The Code prohibits unregistered practitioners from:

- Engaging in sexual or exploitative relationships with clients.
- Making false, misleading, or deceptive claims about treatment or outcomes.
- Financially exploiting clients.
- Breaching client confidentiality.
- Practising while intoxicated or under the influence of drugs.

3.3 Display Requirements

Unregistered practitioners must display a copy of the National Code in their clinic and provide clients with information about how to lodge a complaint.



4. Regulated Practitioners



Regulated Practitioners

If you are an AHPRA-registered practitioner (e.g. acupuncturist):

- Your legal obligations come from the Health Practitioner Regulation National Law.
- You must comply with your Board's codes and guidelines, such as the Code of Conduct for Chinese Medicine Practitioners.
- The National Code of Conduct does not apply, but ATMS holds you accountable to its Members' Code of Conduct, which mirrors the same ethical principles.

This ensures consistent expectations across all ATMS members, regardless of registration status.

5. Implementation

Jurisdiction	Regulator	Status	Prohibition Orders
NSW	Health Care Complaints Commission (HCCC)	In force since 2008 (aligned 2016)	HCCC Decisions
Victoria	Health Complaints Commissioner	In force since 2017	HCC Prohibition Orders
Queensland	Office of the Health Ombudsman (OHO)	In force since 2015	OHO Prohibition Orders
South Australia	Health and Community Services Complaints Commissioner	In force since 2015	SA Prohibition Orders
ACT	Human Rights Commission	In force since 2016	ACT HRC Prohibition Orders
Tasmania	Health Complaints Commissioner	Commenced 31 Dec 2024	Tasmania Code
Western Australia	Health and Disability Services Complaints Office (HaDSCO)	Legislation passed 2021, commencement pending (Code not yet in force)	HaDSCO
Northern Territory	Health and Community Services Complaints Commission	Adopted 2016. Not confirmed fully in force	NT HCSCC



6. Complaints Pathway

Complaints about unregistered practitioners are handled under the National Code by state or territory health complaints entities. The process typically involves:

1. Receiving the complaint – lodged by a client, carer, or another practitioner.
2. Assessment – the regulator decides whether the complaint falls within its jurisdiction.
3. Investigation – gathering evidence, interviewing parties, and assessing compliance with the Code.
4. Decision – outcomes may include conciliation, recommendations for improvement, or prohibition orders.

For AHPRA-registered practitioners, complaints go to AHPRA and the relevant National Board.

For ATMS members, complaints may follow two pathways:

- Professional/ethical concerns: handled through the ATMS Complaints Committee, applying the ATMS Code of Conduct.
- Public safety concerns (e.g. boundary breaches, fraud, risk of harm): referred to the relevant state/territory health complaints entity or AHPRA.

This dual system ensures both professional accountability within ATMS and statutory accountability under law.



7. Case Studies

Case Study 1 – NSW HCCC Prohibition Order

A massage therapist in NSW was permanently prohibited from practice after repeatedly breaching professional boundaries with clients. The HCCC found this behaviour posed a serious risk to public safety and issued a public prohibition order.

[🔗 HCCC Decisions](#)

Learning for members: Even relatively “low-level” boundary breaches can result in permanent prohibition from practice.

Case Study 2 – QLD OHO Misleading Claims

A practitioner was prohibited from providing health services in Queensland after advertising unproven “cancer cure” treatments. The OHO determined the advertising was false, misleading, and dangerous.

[🔗 OHO Prohibition Orders](#)

Learning for members: Making unsubstantiated claims about treatment outcomes breaches both the National Code and Australian Consumer Law.



8. ATMS Code of Conduct

The ATMS Members' Code of Conduct applies to all members, regardless of whether they are in regulated or unregulated professions. It:

- Reflects the principles of the National Code.
- Emphasises professional boundaries, truth in advertising, client consent, and ethical practice.
- Provides additional guidance tailored to natural medicine practice.
- Ensures consistent professional standards across 20+ modalities.

 [ATMS Code of Conduct](#)





9. Implications for Members

- Unregistered practitioners: Must comply with the National Code where implemented and ATMS standards nationally.
- Registered practitioners: Must comply with AHPRA requirements and ATMS standards.
- All ATMS members: Are accountable to the ATMS Code of Conduct and must maintain professional indemnity insurance.

Failure to comply can result in:

- Loss of ATMS membership.
- Loss of health fund recognition.
- Legal penalties, including prohibition orders.





10. Compliance Checklist

- ✓ Display the National Code of Conduct in your clinic if practising in a state/territory where it is in force.
- ✓ Ensure your advertising is accurate, evidence-based, and not misleading.
- ✓ Maintain clear professional boundaries.
- ✓ Keep accurate, secure clinical records.
- ✓ Hold current professional indemnity insurance.
- ✓ Cooperate fully with any complaints investigation.
- ✓ Check whether you fall under AHPRA regulation and comply with those obligations if registered.
- ✓ Always represent your qualifications honestly and correctly.



11. About ATMS

The Australian Traditional-Medicine Society (ATMS) is the leading professional association for natural medicine practitioners in Australia. Founded in 1984, ATMS has been at the forefront of advocating for, supporting, and promoting high standards in natural healthcare for over 40 years. Our members include accredited practitioners, students, and industry professionals committed to delivering safe, effective, and evidence-informed natural medicine.

As a not-for-profit, membership-based organisation, ATMS is dedicated to ensuring professionalism, ethical practice, and continued education within the natural medicine industry. We engage with government bodies, regulatory agencies, and industry partners to advance the recognition of natural medicine and advocate for policies that support our members and the wider community.

ATMS exists to:

- Promote natural medicine as a vital part of Australia's healthcare system.
- Represent practitioners at all levels of government, industry, and regulation.
- Support members by providing education, professional development, and advocacy.
- Encourage the highest standards of professionalism and ethical practice.



We believe in freedom of choice in healthcare and work to ensure that natural medicine remains accessible, recognised, and respected.

OUR VALUES

Integrity

- We build trust through responsible action.
- We embrace freedom of choice and respect diversity in healthcare.

Excellence

- We strive for the highest standards in practice, education, and research.
- We continuously adapt, learn, and grow to meet the evolving needs of our members.

Leadership

- We advocate, collaborate, and engage with government and industry stakeholders.
- We aspire to lead through innovation, research, and professional support.

Passion

- We believe in the power of natural medicine to improve lives.
- We honour traditional principles while embracing evidence-informed practice.

Member-Focused

- We prioritise the growth, success, and recognition of our members.
- Our members are at the heart of everything we do.



ATMS

12. Contact Us

 Website
atms.com.au

 Phone
1800 456 855

 Address
Suite 12/27 Bank St Meadowbank NSW 2114

 E-mail
info@ratms.com.au

 Social Media
[@naturalmedicineau](https://twitter.com/naturalmedicineau)



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